Great Braxted
Parish Council

Data Protection Policy

1. Introduction

Great Braxted Parish Council needs to collect and use certain types of information about the Individuals or Service Users who come into contact with Great Braxted Parish Council in order to carry on our work. This personal information must be collected and dealt with appropriately whether it is collected on paper, stored in a computer database, or recorded on other material and there are safeguards to ensure this under the Data Protection Act 1998.

2. Data Controller

Great Braxted Parish Council is the Data Controller under the Act, which means that it determines what personal information is held, and what it will be used for. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for.

3. Disclosure

There are circumstances where the law allows Great Braxted Parish Council to disclose data (including sensitive data) without the data subject's consent.

These are:

a) Carrying out a legal duty or as authorised by the Secretary of State

b) Protecting vital interests of an Individual/Service User or other person

c) The Individual/Service User has already made the information public

d) Conducting any legal proceedings, obtaining legal advice or defending any legal rights

e) Monitoring for equal opportunities purposes – i.e. race, disability or religion

f) Providing a confidential service where the Individual/Service User's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill Individuals/Service Users to provide consent signatures.

Great Braxted Parish Council regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal. Great Braxted Parish Council intends to ensure that personal information is treated lawfully and correctly. To this end, Great Braxted Parish Council will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998 and the General Data Protection Regulations (GDPR).

Specifically, the Principles require that personal information should be:

a) Processed lawfully, fairly and in a transparent manner;

b) Collected for specified, explicit and legitimate purposes;

c) Adequate, relevant and limited to what is necessary;

d) Accurate and, where necessary, kept up to date;

e) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which those data are processed;

f) Processed in a manner that ensures appropriate security of the personal data.

Great Braxted Parish Council will, through appropriate management and strict application of criteria and controls**:**

- Observe fully conditions regarding the fair collection and use of information
- Meet its legal obligations to specify the purposes for which information is used
- Collect and process appropriate information, and only to the extent that it is needed to fulfill its operational needs or to comply with any legal requirements
- Ensure the quality of information used
- Ensure that the rights of people about whom information is held, can be fully exercised under the Act. These include:
    - The right to be informed that processing is being undertaken,
    - The right of access to one's personal information,
    - The right to prevent processing in certain circumstances and
    - The right to correct, rectify, block or erase information which is regarded as wrong information
- Take appropriate technical and organisational security measures to safeguard personal information
- Ensure that personal information is not transferred abroad without suitable safeguards
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information

- Set out clear procedures for responding to requests for information

4. Data collection

Informed consent is when:

- An Individual/Service User clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data

- And then gives their consent.

Great Braxted Parish Council will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, Great Braxted Parish Council will ensure that the Individual/Service User:

a) Clearly understands why the information is needed

b) Understands what it will be used for and what the consequences are should the Individual/Service User decide not to give consent to processing

c) As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed

d) Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress

e) Has received sufficient information on why their data is needed and how it will be used

5. Data Storage

Information and records relating to individuals or service users will be stored securely and will only be accessible to the Parish Clerk and Councillors.

Information will be stored for only as long as it is needed or required by statute and will be disposed of appropriately, in line with the Great Braxted Parish Council's Data Retention Policy.

It is Great Braxted Parish Council's responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

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6. Data access and accuracy

All Individuals/Service Users have the right to access the information Great Braxted Parish Council holds about them. Great Braxted Parish Council will also take reasonable steps to ensure that this information is kept up to date by asking data subjects whether there have been any changes.

In addition**,** Great Braxted Parish Council will ensure that:

- It makes arrangements to ensure compliance with the GDPR
- Everyone processing personal information understands that they are contractually responsible for following good data protection practice
- Everyone processing personal information is appropriately trained to do so
- It deals promptly and courteously with any enquiries about handling personal information
- It describes clearly how it handles personal information
- It will regularly review and audit the ways it holds, manages and uses personal information
- It regularly assesses and evaluates its methods and performance in relation to handling personal information

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Data Protection Act 1998.

Signed: ……. Date: 9th January 2020

Chairman



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Glossary of Terms

Data Controller – decides what personal information will be held and how it will be held or used.

Individual/Service User – The person whose personal information is being held or processed by **Hatfield Peverel Parish Council** for example: a resident, an employee, or supporter.

Explicit consent – is a freely given, specific and informed agreement by an Individual/Service User in the processing of personal information about her/him. Explicit consent is needed for processing sensitive data.

Notification – Notifying the Information Commissioner about the data processing activities of **Hatfield Peverel Parish Council**, as certain activities may be exempt from notification.

Information Commissioner – The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 1998.

Processing – means collecting, amending, handling, storing or disclosing personal information.

Personal Information – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about organisations, companies and agencies, but applies to named persons, such as individual volunteers or employees.

Sensitive data – refers to data about:

- Racial or ethnic origin
- Political affiliations
- Religion or similar beliefs
- Trade union membership
- Physical or mental health
- Sexuality
- Criminal record or proceedings